

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

EDITH ARACELY MEDRANO REYES

Plaintiff

v.

TODD McKEONE, et al.

Defendants

Case No.:

NOTICE OF REMOVAL

Defendants, **Todd McKeone** and **Johnston Construction Company**, by and through their attorneys, Inga O. Upshaw and Ryan, Drewniak & Upshaw, P.A., pursuant to 28 U.S.C. §§1332, 1441, and 1446, request that this matter be removed to this Court, and in support thereof state as follows:

Procedural Background

1. The Plaintiff commenced this action by originally filing a Complaint and Jury Demand against Defendants Todd McKeone and Johnston Construction Company in the Circuit Court for Frederick County, Maryland, Case Number: **C-10-CV-22-000457**. Copies of the Plaintiff's Complaint and Jury Demand (State Court Complaint and Jury Demand) and the Writ of Summons for Defendant Johnston Construction Company (State Court Writ of Summons) directed to Defendant Johnston Construction Company are being filed simultaneously with this Notice of Removal.

2. The instant litigation arises out of an automobile accident that occurred on September 10, 2019 on northbound Buckeystown Pike (Route 85) approaching the entrance ramp to southbound Interstate 270 in Frederick, Maryland, between vehicles operated by

Plaintiff Edith Aracely Medrano Reyes and Todd McKeone. Plaintiff asserts that she sustained injuries and damages as a result of the September 10, 2019 automobile accident. *See* State Court Complaint and Jury Demand.

3. The Circuit Court for Frederick County, Maryland, issued two (2) Writs of Summonses for the Defendants on August 8, 2022. *See* State Court Writ of Summons for Defendant Johnston Construction Company.

4. Plaintiff served Defendant Johnston Construction Company on September 9, 2022 via Certified Mail

5. Defendant McKeone has not been formally served, though is effectively waiving formal service of process by and through the filing of this Removal.

6. Plaintiff seeks to recover damages from the Defendants in an amount in *excess of* Seventy-Five Thousand Dollars (\$75,000.00), plus post judgment interest and costs. *See* State Court Complaint and Jury Demand.

Statement of Satisfaction of Jurisdictional Requirements

7. Plaintiff Edith Aracely Medrano Reyes is a citizen of Maryland and resides at 5511 Oberlin Place, Frederick, 21703. *See* State Court Complaint and Jury Demand.

8. Defendant Todd McKeone is a citizen of the Commonwealth of Pennsylvania and resides at 6956 Beechwood Road, Harrisburg, Pennsylvania 17112.

9. Defendant Johnston Construction Company is a Pennsylvania corporation with its principal place of business at 4331 Fox Run Road, Dover, Pennsylvania 17315.

10. The amount in controversy in the matter of *Edith Aracely Medrano Reyes v. Todd McKeone, et al.*, is in *excess of* Seventy-Five Thousand Dollars (\$75,000.00) in damages, plus post judgment interest and costs. *See* State Court Complaint and Jury Demand.

Statement of Eligibility for Removal to U.S. District Court

11. The amount in controversy in the matter of *Edith Aracely Medrano Reyes v. Todd McKeone, et al.* exceeds \$75,000.00, and there is complete diversity among the parties, thus satisfying the requirements of 28 U.S.C. §1332(a)(1). Therefore, this Court has original jurisdiction over this action.

12. This notice of removal has been filed within 30 days of service upon the first notice of suit. *See* ¶4. This notice of removal, therefore, has been filed within 30 days of Defendant, Johnston Construction Company's receipt of documentation wherein it was ascertained that this case was removable, thereby meeting the requirements of 28 U.S.C. §1446(b).

13. This case has been removed within one year after the original commencement of this action, thereby meeting the requirements of 28 U.S.C. §1446(b).

14. A copy of this Notice of Removal and Affidavit is being served on the Plaintiff and filed with the Clerk of the Circuit Court for Frederick County, Maryland.

15. Having met all requirements of 28 U.S.C. §1332(a)(1) and §1446, this action may be removed to this Court pursuant to 28 U.S.C. §1441(a).

WHEREFORE, Defendants, Todd McKeone and Johnston Construction Company request that the above-captioned case be removed from the Circuit Court for Frederick County, Maryland.

Respectfully submitted,

/s/ Inga O. Upshaw
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Attorneys for Defendants
Todd McKeone, and
Johnston Construction Company

AFFIDAVIT

I, **Inga O. Upshaw**, affirm under the penalties of perjury that I am the attorney for Defendant Johnston Construction Company in the foregoing Notice of Removal; that I have prepared the foregoing Notice of Removal; and that the facts set forth and contained therein are true and correct to the best of my knowledge, information and belief.

/s/ Inga O. Upshaw
Inga O. Upshaw

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of September, 2022, a copy of the foregoing **Notice of Removal** and **Affidavit** was sent via electronic filing to the following counsel of record:

Jeffrey Fenster, Esquire
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Attorneys for Plaintiff
Edith Aracely Medrano Reyes

_____/s/ Inga O. Upshaw_____
Inga O. Upshaw